

ORDINANCE NO. 2005-001

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; PERTAINING TO SALE OF ALCOHOLIC BEVERAGES; AMENDING CHAPTER 3, SECTION 3-2 OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 95-35, AS AMENDED) RELATING TO HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 3, Section 3-2 of the Palm Beach County Code currently restricts the sale of alcoholic beverages in the unincorporated area of Palm Beach County before 12:00 noon on Sundays; and

WHEREAS, Palm Beach International Airport is located within the unincorporated area of Palm Beach County; and

WHEREAS, the grant of the exemption to permit the sale of alcoholic beverages within the Palm Beach International Airport passenger terminal facilities before 12:00 noon on Sundays will be consistent with the application of alcoholic beverage sale regulations applicable to other international airports; and

WHEREAS, many flights depart from the Palm Beach International Airport before 12:00 noon on Sundays and passengers are permitted to purchase and consume alcohol in flight; and

WHEREAS, the Board of County Commissioners desires to create an exemption for the Palm Beach International Airport in order to allow the sale and service of alcoholic beverages commencing at 7:00 a.m. due to the unique nature of international airports' transportation of passengers.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Chapter 3, Section 3-2 of the Palm Beach County Code is hereby amended as follows:

**Sec. 3-2 Hours of sale.**

No alcoholic beverages may be sold, consumed, served or permitted to be served or consumed in any place holding a license issued under the state division of alcoholic beverages and tobacco in the unincorporated area of the county except as follows:

....

(5) Notwithstanding any provision of this section to the contrary, alcoholic beverages may be sold, consumed and served and be permitted to be served and consumed on Sundays from 12:00 midnight to 5 a.m., and from 7 a.m. to 12 midnight, in any establishment located within the Palm Beach International

1                    Airport passenger terminal facilities, which holds a license issued by the state  
2                    division of alcoholic beverages and tobacco .

3                    **Section 2. Severability.**

4                    If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
5                    reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,  
6                    such holding shall not affect the remainder of this Ordinance.

7                    **Section 3. Repeal of Laws in Conflict:**

8                    All local laws and ordinances in conflict with any provisions of this Ordinance are  
9                    hereby repealed to the extent of such conflict.

10                   **Section 4. Inclusion in the Code of Laws and Ordinances:**

11                   The provisions of this Ordinance shall become and be made a part of the Palm Beach  
12                   County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish  
13                   such, and the word "ordinance" may be changed to "section," "article," or other appropriate  
14                   word.

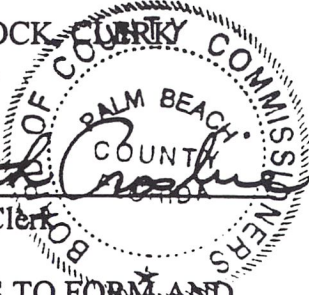
15                   **Section 5. Captions.**

16                   The captions, section headings, and section designations used in this Ordinance are for  
17                   convenience only and shall have no effect on the interpretation of the provisions of this  
18                   Ordinance.

19                   **Section 6. Effective Date.**

20                   The provisions of this Ordinance shall become effective upon filing with the  
21                   Department of State.

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23                   APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
24                   County, Florida, on this the 11th day of January, 2005.

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26                   SHARON R. BOCK, CLERK  
27                   & COMPTROLLER  
28  
29                   By: Judith Crook  
30                   Deputy Clerk  
31  
32                     
33                   APPROVED AS TO FORM AND  
34                   LEGAL SUFFICIENCY  
35  
36                   By: [Signature]  
37                   County Attorney  
38  
39

                 PALM BEACH COUNTY, FLORIDA, BY ITS  
                 BOARD OF COUNTY COMMISSIONERS  
                 By: Tony Masilotti  
                 ~~Chair~~  
                 Tony Masilotti, Chairman

40                   Filed with the Department of State on the 19 day of January, 2005.

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43                   STATE OF FLORIDA, COUNTY OF PALM BEACH  
                 I, SHARON R. BOCK, Clerk and Comptroller  
                 certify this to be a true and correct copy of the original  
                 filed in my office on January 11, 2005  
                 dated at West Palm Beach, FL on 3/17/05  
                 By: Niane Brown  
                 Deputy Clerk